

66TH CONGRESS,
2ND SESSION.

H. R. 14196.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1920.

Mr. WELTY introduced the following bill; which was referred to the Committee on Immigration and Naturalization and ordered to be printed.

A BILL

To amend the Acts of February 5, 1917; June 29, 1906; February 18, 1875; and May 6, 1882, creating an Immigration Board, providing for the regulation of immigration, raising the standards of naturalization, extending its privileges to all who qualify, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of February 5, 1917, "regulating immigration of aliens to and residence of aliens in the United States," is amended by adding at the end thereof the following:

"The word 'immigrant' includes any alien entering the United States not a 'transient.'

"The word 'transient' shall be construed to include aliens of the 'status or occupations' specified in section 1b (3) who enters the United States for limited periods.

"The word 'board' means the Immigration Board created by this Act.



"The term 'ethnic group' shall in each case be construed by the commission as provided for in section 1a (2)."

SECTION 1a. AN IMMIGRATION BOARD.—(1) That an Immigration Board is hereby created consisting ex officio of the Secretaries of State, Labor, Commerce, Agriculture, and Interior, and a sixth member appointed by the President and confirmed by the Senate who shall hold his office for a term of four years or until his successor is appointed and qualified. The presidential appointee shall be chairman of the board and shall receive, when engaged on official duty, \$40 per diem, with actual expenses of travel and \$6 per day in lieu of subsistence when absent from home on official duty. The chairman of the board shall have power to employ a permanent secretary at a salary of \$5,000 per annum and such other employees as the board may authorize, and to prescribe the salary of each.

(2) The board shall in each case define and interpret the term "ethnic group," taking into consideration questions of race, mother-tongue affiliation, nationality, and such other relationships as tend to constitute group unity.

(3) The board shall, as soon as practicable institute a comprehensive inquiry into policies and methods of distribution of immigration, shall publish the results of the investigation in full, not later than two years from the beginning of the inquiry, and shall carry on all further work necessary to bring the approved results of the investigation effectively before the public.

(4) The board shall make such rules and regulations regarding the admission of immigrants as shall enable it fully to enforce the provisions of the immigration laws; and also the necessary rules and regulations in regard to passports, certificates, and declarations required by this Act, including such matters as certificates of official status, court records, receipt of charity funds, or other facts deemed necessary by the board.

(5) The board shall invite the secretaries of each of the States to report in January of each year in regard to—

(a) The amount of unemployment prevailing in the State the previous year as shown by the best available statistics of employment bureaus and other reliable evidence;

(b) The kinds of industries and occupations in which shortage of labor existed in said year; and

(c) The kind of immigration especially desired in that State, if authorized thereto by vote of the State legislature.

(6) The chairman of the board shall in February of each year present to the board a printed report showing:

(a) The number of alien immigrants of any given ethnic group admitted to continental United States during the next preceding fiscal year, and, so far as the figures are available, the total number so admitted of each such group in each year since 1900;

(b) The number, originally belonging to such ethnic group, who have been naturalized and were residing in continental United States as shown by the last available United States census;

(c) The number of American-born children whose foreign-born father or mother belong to any such ethnic group, and which children are residing in continental United States as shown by the last available United States census;

(d) The amount of unemployed and also of labor shortage during the preceding year, as reported by the secretaries of the different States; and

(e) The officially expressed desire of each State for specific kinds of immigration.

(7) The chairman of the board shall, upon complaint of any citizen or association, investigate the management of immigration stations at ports of entry. The Secretary of Labor shall, upon the report of the chairman of the board, take steps to correct any abuses or neglect of duty.

(8) The chairman of the board shall prepare a brief and simple statement of the rights and duties of aliens residing in the United States, which shall be printed both in English and in the various languages of aliens entering the United States, a copy of which statement in his language shall be given at the time of making the pledge of obedience to each alien over sixteen years of age, as provided in section 1d (1).

(9) The chairman of the board shall prepare or have prepared a textbook on "American citizenship" for the use of aliens seeking to qualify themselves for naturalization. It shall be simple in style, attractive in form, shall not exceed forty thousand words, and shall contain what every alien desiring to become a citizen shall be required to know concerning the history of the American people; the principles, ideals, and methods of the Government of the United States; the rights and duties of citizens and the principles and requirements of personal and public hygiene. This textbook, when authorized by the board, shall serve as the basis upon which the courts granting papers of naturalization shall judge of the intellectual qualifications of applicants for citizenship.

SEC. 1b. ADMISSION OF TRANSIENTS.—(1) That aliens entering the United States as transients, excepting accredited representatives and officials of foreign Governments, shall present proper passports stating among other things, the purpose of the visit and the expected length of that visit, not to exceed three years. The passports of students may specify six years as the period. Aliens possessing such passports who desire to extend the period of residence in the United States may secure permission for such extension from the Commissioner General of Immigration. The regulations providing for such extension shall be prepared by the board.

(2) Any alien entering as a transient who remains in the United States beyond the period specified in his passport without securing from the Commissioner General of Immigration permission for the extension

of the period of his visit shall be taken into custody and deported according to the provisions of sections 19, 20, and 21 of the Act of February 5, 1917.

(3) Aliens permitted to enter the United States as transients must be persons of the following status or occupations:

Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers or other professional persons, students provided with their own funds or guaranteed support by their own Governments or by institutions or friends in the United States, authors, artists, merchants, and travelers for curiosity, health, or pleasure, their legal wives or their children under sixteen years of age, or their personal and domestic servants who shall accompany them or who subsequently may apply for admission to the United States; but such persons with their legal wives and foreign-born children and servants who fail to maintain in the United States the specified status or occupation shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in sections 19, 20, and 21 of the Act of February 5, 1917.

(4) Alien students who are admitted as transients shall not be regarded as having lost that status by reason of having secured temporarily some gainful occupation on condition that they maintain regular attendance in high school, college, or university, the nature of the schools to be specifically defined and the requisite regulations to be prescribed by the board.

SECTION 1c. THE ADMISSION OF IMMIGRANTS.—(1) That in April of each year the board shall determine the maximum number of aliens of each ethnic group to be admitted as immigrants to the United States during the fiscal year next following. Such determination shall be based on the report of the chairman of the board provided for in section 1a (6) and shall have regard to—

- (a) The demonstrated assimilability of each ethnic group;
- (b) The maintenance of American standards of living and wages;
- (c) The amount of unemployment and labor shortage in the United States;
- (d) The general labor and economic conditions in the different parts of the United States; whether among industrial, agricultural, domestic, or other workers; and
- (e) The adaptability of each particular group to fulfill the requirements and to meet the needs.

(2) The board shall in no case set the number of admissible immigrants from any single ethnic group above 10 per centum of a basic figure composed of those of that group in the United States who were—

- (a) American-born citizens whose foreign-born father or mother belong to such ethnic group and which children were residing in continental United States as shown by the last available United States census; and

(b) Naturalized citizens who were residing in continental United States as shown by the last available census.

(3) An alien of any given ethnic group returning from a visit abroad, who, before leaving for such visit, had declared his intention of becoming a citizen of the United States, shall be readmitted to the United States without reference to the amount of permissible immigration of said ethnic group as determined by the board.

(4) The Commissioner General of Immigration shall promptly send to the American consuls and also the transportation agencies in American ports which commonly bring aliens to the United States, the determination of the board as to the maximum permissible immigration for the various ethnic groups for the ensuing fiscal year, and shall make suitable arrangements for their publication both in American and foreign ports. He shall also publish a monthly statement throughout the ensuing fiscal year showing the maximum number as established by such determination by the board, of aliens of each ethnic group who may be so admitted to the United States during the current fiscal year, together with the number of aliens of each such ethnic group already so admitted during that year and shall send such reports promptly to the American consuls in all ports from which aliens commonly sail for the United States. When 75 per centum of such maximum number of aliens of any ethnic group have been so admitted for the current fiscal year, a similar statement with respect to the aliens of such ethnic group shall be issued weekly thereafter.

(5) In case of the arrival of immigrants of any given group at a port of entry after the permissible number of immigrants of such group has been admitted, they shall be refused admission, but the father or grandfather, over fifty-five years of age, the wife, mother, grandmother, unmarried or widowed daughter, or son not over sixteen years of age, sent for by any member of such group lawfully a resident in the United States, shall nevertheless be admitted. Such admissions shall be made the first charge on the permissible immigration of such ethnic group for the year next following.

(6) The board may increase at any time the maximum immigration permitted to any given ethnic group, but a notice of not less than three months must be given of a proposed decrease to be enforced during any current fiscal year, and shall make such regulations as may be deemed necessary to prevent congestion of immigration at any period of the fiscal year, to avoid inconvenience to the transportation companies, and to avoid hardships to the immigrants, because of the provisions of this Act.

(7) Transportation agencies bringing alien immigrants who arrive after the permissible immigration of such aliens has been exhausted shall carry such aliens back to the port of debarkation free of charge. The Secretary of Labor shall prepare and authorize the rules, regulations, and penalties for the enforcement of this provision.

(8) The Secretary of Labor shall be the final judge as to the facts

in the application of this Act in all cases of doubt affecting the admission of individual immigrants.

SECTION 1d. PLEDGE OF OBEDIENCE.—(1) That every adult alien entering the United States, excepting accredited officials of foreign Governments, shall be required to file with the immigration officials at the port of entry a sworn statement printed both in English and in the language of the alien, pledging obedience to the laws of the United States and of the States in which he may reside. The form of such statement shall be prescribed by the chairman of the board.

(2) Every adult alien except transients, upon admittance to the United States, shall in such pledge or agreement declare the intention of learning the English language and of becoming acquainted with the methods of this Government and with the ideals and institutions of this country. A duplicate of this pledge shall be given to the declarant.

(3) Such pledge or agreement shall be printed upon the back of the transportation ticket issued to every alien immigrant, and a penalty of \$100 shall be incurred by and collected from any transportation company or individual engaged in the business of transporting aliens to or within the United States which shall violate this regulation after actual notice thereof from the Commissioner General of Immigration.

SEC. 2. That the first paragraph of section 3 of the Act of February 5, 1917, is amended to read as follows:

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; professional or habitual gamblers; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific

individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property, prostitutes, or persons coming into the United States for the purpose of prostitution or of any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or of any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers, printed, published, or distributed in a foreign country; persons likely to become a public charge; persons who have been deported under any of the provisions of this Act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempts to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission; persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor; all children under sixteen years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible."

SEC. 3. That section 9 of the Act of February 5, 1917, be amended so that said section shall read as follows:

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the

master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this Act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this Act because unable to read, and if it shall appear to the satisfaction of the Secretary of Labor that those disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such alien from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded. *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines: *Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisions or exceptions to section 3 hereof exempted from the excluding provisions of said section."

SEC. 4. That the fourth proviso in the third paragraph of section 3 of the Act of February 5, 1917, is amended to read as follows:

"*Provided further*, That skilled or domestic labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be

found in his country, and the question of the necessity of importing such skilled or domestic labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested. such applications to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case; *And provided further*, That the board shall, as to domestic labor, prescribe the conditions and safeguards under which such importation may be had: *And provided further*, That if imported aliens of any given ethnic group arrive after the permissible number of immigrants from such ethnic group has already been admitted, they shall nevertheless be admitted, but such admissions shall be charged against the permissible immigration of said ethnic group for the following year."

SEC. 5. That section 19 of the Act of February 5, 1917, is amended by adding in the eighteenth line after the words "at any time after entry," the following words:

"Any alien who shall be found to be a professional or a habitual gambler, any alien who shall be found to own, rent, or lease premises used as a place of gambling, and any alien employed in any capacity in connection with a place of gambling."

SEC. 6. That the first five lines of section 29 of the Act of February 5, 1917, are amended to read as follows:

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call an international conference, to assemble not later than the year 1922, and in his discretion, not oftener than decennially thereafter, at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement."

SEC. 7. That the fourth paragraph of section 4 of the Act of June 29, 1906, entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," is amended so as to read as follows:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. It shall also be made to appear to the satisfaction of the court that said alien is able to speak the English language as specified in section 8 of the Act of June 29, 1906, is able to read and understand the textbook on citizenship authorized by the Immigration Board, as provided for in section 1a (9), of this Act, and accepts the ideals and principles therein presented. In the case, however, of aliens

who show themselves qualified in all other respects and who on entering the United States were already thirty-five years of age or over, or who during their residence in the United States did not live in places providing aliens with facilities for acquiring the English language, the requirement of ability to read the English language may be waived at the discretion of the court. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required and the name, place of residence, and occupation of each witness shall be set forth in the record."

SEC. 8. That the Act of February 18, 1875, amending the Act of July 14, 1870, is amended to read as follows:

"The privilege of citizenship by naturalization is open to every alien who fulfills all the intellectual, moral, and technical requirements of the law."

SEC. 9. That this Act shall take effect and be enforced on and after its passage. All prior acts, or parts of acts inconsistent with any provision of this Act, or with any treaty obligations of the United States of America, are hereby repealed on and after the taking effect of this Act.

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